THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.8156 OF 2006

Dt.21.4.2006

Between:

Cherukupalle Anvesh Reddy …Petitioner

And

The Commissioner, Nellore

Municipal Corporation, Nellore. …Respondent

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondent.

The petitioner questions the action of the respondent in threatening to demolish the building constructed by the petitioner at W.No.16/II (New) D.No.490 (new), Srinivasa Agraharam, Nellore Town, as illegal and arbitrary.

The petitioner is the absolute owner and possessor of the property bearing No.16/II/490, Srinivasa Agraharam, Nellore, having purchased the same by registered sale deed dt.25.4.2003 for valuable consideration. It is stated after the purchase of the said land the petitioner filed an application for construction of residential flats consisting of four floors by paying the requisite fee to the respondent and accordingly obtained permission vide proceedings in B.A.No.1368/03/G-1, dt.12.1.2004. It is stated that the petitioner has constructed the building strictly as per the approved plan. While so, the staff of the respondent came to the building of the petitioner on 17.4.2006 and threatened to demolish portion of the ground floor as there are certain deviations and constructions have been made contrary to the said building permission. It is stated that without issuing any notice indicating the alleged deviations the respondent has threatened to demolish the building.

I am not inclined to express any opinion on the merits of the case as to whether the petitioner has strictly constructed the building without any deviations or whether there are any deviations. However, if there are any unauthorized constructions made contrary to the sanctioned plan, it is open for the respondent to point out the deviations or unauthorized constructions by issuing a notice calling upon the petitioner to submit explanation and if no explanation is filed, it is open for the respondent to take appropriate action for the unauthorized constructions made contrary to the building plan.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH, J.

21.4.2006

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